UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

ASTELLAS INSTITUTE FOR REGENERATIVE MEDICINE, and STEM CELL & REGENERATIVE MEDICINE INTERNATIONAL, INC.,)))
Plaintiffs,) C.A. NO. 1:17-cv-12239-ADB
v.))
IMSTEM BIOTECHNOLOGY, INC., XIAOFANG WANG, and REN-HE XU,)))
Defendants.)))

DECLARATION OF TIMOTHY R. SHANNON IN SUPPORT OF DEFENDANTS' MOTION AND INCORPORATED MEMORANDUM TO KEEP TRIAL OPEN TO FACILITATE WITNESS TESTIMONY

I, Timothy R. Shannon, state as follows:

I am an attorney at the firm Verrill Dana LLP, One Portland Square, Portland, ME 04101, and counsel of record for defendants ImStem Biotechnology, Inc., Ren-He Xu, and Xiaofang Wang (collectively, the "Defendants"). I am over the age of 18, am fully competent to make this declaration, and make this declaration on personal knowledge.

- 1. Attached hereto as **Exhibit 1** is a true and accurate copy of *Top Coronavirus*Doctor in Wuhan Says High Blood Pressure Is Major Death Risk, Bloomberg News (Mar. 9, 2020, 12:00 PM), https://www.bloomberg.com/news/articles/2020-03-09/top-virus-doctor-says-high-blood-pressure-is-major-death-risk;
- 2. Attached hereto as **Exhibit 2** is a true and accurate copy of Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, https://www.hcch.net/en/instruments/conventions/full-text/?cid=82 (last visited July 20, 2020);

- 3. Attached hereto as **Exhibit 3** is a true and accurate copy of U.S. Dep't of State, Bureau of Consular Affairs, Taking Voluntary Depositions of Willing Witnesses, https://travel.state.gov/content/travel/en/legal/Judicial-Assistance-Country-Information/China.html (last visited July 20, 2020);
- 4. Attached hereto as **Exhibit 4** is a true and accurate copy of Chinese Civil Law Article 277, http://cicc.court.gov.cn/html/1/219/199/200 /644.html (last visited July 20, 2020));
- 5. Attached hereto as **Exhibit 5** is a true and accurate copy of Dan Harris, *Depositions in China: No Can Do*, ChinaLawBlog (Jan. 19, 2009), https://www.chinalawblog.com/2009/01/taking_depositions_in_china_it.html;
- 6. Attached hereto as **Exhibit 6** is a true and accurate copy of Admin., *Restrictions on Taking Deposition Testimony of in China for Use in Foreign Courts*, China Docket Report (Nov. 2, 2018), http://www.chinadocket.com/en/editorials/restrictions-on-taking-deposition-testimony-of-in-china-for-use-in-foreign-courts/;
- 7. Attached hereto as **Exhibit 7** is a true and accurate copy of Governo da Região Administrativa Especial de Macau, Código de Processo Civil, https://bo.io.gov.mo/bo/i/99/40/codprocivpt/ (last visited July 20, 2020);
- 8. Attached hereto as **Exhibit 8** is a true and accurate copy of Macau Country Profile, Taking of Evidence by Video-Link Under the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, https://assets.hcch.net/docs/e9f67556-7fb5-457c-a77d-c247f7ccfc8e.pdf (last visited July 20, 2020);
- 9. Attached hereto as **Exhibit 9** is a true and accurate copy of Ministry of Foreign Affairs for the People's Republic of China, Macao Special Administrative Region,

https://www.fmprc.gov.cn/mfa_eng/ljzg_665465/zgjk_665467/3572_665469/t17811.shtml (last visited July 20, 2020);

Attached hereto as **Exhibit 10** is a true and accurate copy of Publication 20:
 Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, HCCH (2017),

https://www.hcch.net/en/instruments/conventions/publications1/?dtid=42&cid=82;

- 11. Attached hereto as **Exhibit 11** is a true and accurate copy of an Email from Dr. Li, Associate Professor of Law, Macau University, to Dr. Xu (July 13, 2020)
- 12. Attached hereto as **Exhibit 12** is a true and accurate copy of the Google Translate translation of Governo da Região Administrativa Especial de Macau, Código de Processo Civil, https://bo.io.gov.mo/bo/i/99/40/codprocivpt/ (last visited July 19, 2020);
- 13. Attached hereto as **Exhibit 13** is a true and accurate copy of the University of Macau online profile for Dr. Li Zhe (available at https://fll.um.edu.mo/professor/li-zhe/);
- 14. Attached hereto as **Exhibit 14** is a true and accurate copy of Karen Fahr, *The Ultimate Guide to Organizing a Deposition in Hong Kong (Infographic)*, OptimaJuris (June 27, 2019), https://www.optimajuris.com/ultimate-guide-organizing-deposition-hong-kong-infographic/;
- 15. Attached hereto as **Exhibit 15** is a true and accurate copy of Hong Kong Country Profile, Taking of Evidence by Video-Link Under the Hague Convention of March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, https://assets.hcch.net/docs/ea8352c6-45e6-4ae3-8c39-b22cbc43c8e0.pdf (last visited July 20, 2020);

- 16. Attached hereto as **Exhibit 16** is a true and accurate copy of Hong Kong Gen. L. Ch. 8, https://www.elegislation.gov.hk/hk/cap8?xpid=ID_1438403565671_003 (last visited July 20, 2020);
- 17. Attached hereto as **Exhibit 17** is a true and accurate copy of an email from the U.S. Consulate General to Hong Kong and Macau, to Travis Waller, Esq., Verrill Dana LLP (July 7, 2020 5:42 AM);
- 18. Attached hereto as **Exhibit 18** is a true and accurate copy of Kate Springer, *What will the national security law mean for travelers -- and Hong Kong's tourism recovery?*, CNN (July 8, 2020), https://www.cnn.com/travel/article/hong-kong-travel-national-security-law/index.html;
- 19. Attached hereto as **Exhibit 19** is a true and accurate copy of Press Release, Ministry of Foreign Affairs of the People's Republic of China National Immigration Administration, Ministry of Foreign Affairs of the People's Republic of China National Immigration Administration Announcement on the Temporary Suspension of Entry by Foreign Nationals Holding Valid Chinese Visas or Residence Permits (March 26, 2020), https://www.fmprc.gov.cn/mfa_eng/wjbxw/t1761867.shtml;
- 20. Attached hereto as **Exhibit 20** is a true and accurate copy of U.S. Dep't of State, Bureau of Consular Affairs, China Travel Advisory, https://travel.state.gov/content/travel/en/legal/Judicial-Assistance-Country-Information/China.html (last visited July 20, 2020);
- 21. Attached hereto as **Exhibit 21** is a is a true and accurate copy of an email from the U.S. Consulate General to Hong Kong and Macau, to Travis Waller, Esq., Verrill Dana LLP (July 1, 2020, 10:32 PM);

22. Attached hereto as **Exhibit 22** is a is a true and accurate copy of Staff Writer, *HK* extends quarantine for arrivals from mainland, Macau, Taiwan to August 7, MacauPostDaily (July 1, 2020), https://www.macaupostdaily.com/article8654.html;

23. Attached hereto as **Exhibit 23** is a is a true and accurate copy of Serviços de Saúde do Governo da Região Administrativa Especial de Macau, Special Webpage Against Epidemics, https://www.ssm.gov.mo/apps1/PreventCOVID-19/en.aspx#clg17048 (last visited July 20, 2020);

24. Attached hereto as **Exhibit 24** is a true and accurate copy of excerpts of the Deposition Transcript of Ren He Xu (July 3, 2019).

Signed under the pains and penalties of perjury this 20th day of July, 2020.

/s/ Timothy R. Shannon
Timothy R. Shannon

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of this document to be filed in accordance with the Court's procedures through the CM/ECF system, to be sent electronically to the registered participants, and paper copies to be sent to those indicated as nonregistered participants.

Dated: July 20, 2020 /s/ Timothy R. Shannon
Timothy R. Shannon